

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO GUEVARA-ZAMUDIO,

Defendant.

**8:18-CR-152**

**ORDER**

On April 26, 2024, this Court entered an Order denying Francisco Guevara-Zamudio's *pro se* Motion to Reduce Sentence. [Filing 498](#). The Court concluded that Guevara-Zamudio was not entitled to relief as a zero-point offender under Amendment 821 to the United States Sentencing Guidelines because he possessed a firearm in connection with his offense of conviction. *See U.S.S.G. § 4C1.1(7)*.<sup>1</sup> A little over three months later, on August 2, 2024, Guevara-Zamudio filed a *pro se* Motion for Reconsideration. [Filing 518](#). Guevara-Zamudio acknowledges the basis for this Court's prior ruling but contends that the firearm enhancement he received in his presentence report "was not applicable" and that he is entitled to a sentence reduction. [Filing 518 at 1](#). This Motion is without merit. Although Guevara-Zamudio did object to the firearm enhancement in the presentence report prior to his sentencing, [Filing 294](#), that objection was overruled and the presentence report was adopted. [Filing 297](#) (Text Minute Entry); [Filing 299](#). This matter was previously litigated and resolved, and Guevara-Zamudio's Motion for Reconsideration is without basis under any standard of review. Accordingly,

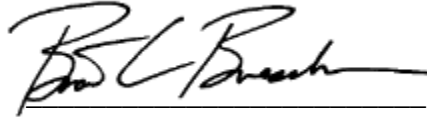
IT IS ORDERED: Francisco Guevara-Zamudio's *pro se* Motion for Reconsideration, [Filing 518](#), is denied.

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<sup>1</sup> Both the United States Probation Office and the Assistant Federal Public Defendant who was appointed to represent Guevara-Zamudio after he filed his *pro se* Motion agreed that Guevara-Zamudio was not entitled to relief as a result of his firearm possession. [Filing 491 at 1](#); [Filing 496 at 1](#).

Dated this 6th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge